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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,141	06/15/2001	Shuji Takana	1422-0480P	6016

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EXAMINER

DOUYON, LORNA M

ART UNIT PAPER NUMBER

1751

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/868,141

Applicant(s)

TAKANA ET AL.

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. This action is responsive to the amendment filed on August 4, 2003.
2. The rejection of claims 1-15 under 35 U.S.C. 112, second paragraph is withdrawn in view of applicants' amendment.
3. Claims 1-18 are pending.
4. The rejection of claims 1-15 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Clayton et al. (EP 0,342,043) is withdrawn in view of applicants' amendment.
5. The rejection of claims 1-15 under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Appel et al. (US Patent No. 6,069,124) is withdrawn in view of applicants' amendment.
6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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7. Claims 9-17 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Atkinson et al. et al. (US Patent No. 4,900,466), hereinafter "Atkinson".

Atkinson teaches powders prepared by spray drying and suitable for use as detergent powders or components thereof and contain sodium carbonate and/or sodium carbonate/sodium sulphate double salt Burkeite modified with a low level of an organic polycarboxylate (see abstract). In Example 12, Atkinson teaches a spray-dried crystal-growth-modified Burkeite having a bulk density of 550 g/l and comprising 67.0 wt% sodium sulphate, 25.0 wt% sodium carbonate, 1.5 wt% sodium polyacrylate (molecular weight 25,000), 3.0 wt% sodium silicate and 1.0 wt% nonionic surfactant (Synperonic A7) (see col. 14, lines 22-52), wherein the molar ratio of sodium sulphate+sodium polyacrylate+sodium silicate to sodium carbonate is about 7:3. Even though Atkinson does not explicitly disclose the dissolution rate, microporous capacity, capability of releasing a bubble and a localized structure as those recited, it would be inherent in the composition of Atkinson to have the characteristics as those recited because same composition having the same components have been utilized. Hence, Atkinson anticipates the claims.

8. Claims 1-6, 8-14, 16-18 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Emery et al. (US Patent No. 6,191,095), hereinafter "Emery".

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Emery teaches a particulate detergent composition having a bulk density of 700 g/l or less and containing at least 10 wt% of organic detergent surfactant comprises a base powder composed of at least two granular components (see abstract). In Example 1, Emery teaches a detergent composition comprising 31.8 wt% B1 builder granules and 53.4 wt% N1 nonionic surfactant granules, wherein B1 is spray-dried having a bulk density of 550 g/l and comprises 76.2 wt% STP (sodium tripolyphosphate), 10.6 wt% sodium silicate (molar ratio of STP to silicate is 7:3) and 2.2 wt% sodium linear alkyl benzene sulfonate surfactant, and wherein N1 granules have a bulk density of 501 g/l and comprises 28.7 wt% Synperonic A7 nonionic surfactant (see col. 9, lines 25-50; col. 10, line 65 to col. 12, line 26). The base powder preferably comprises granules having an average particle size of greater than 200 micrometers (see col. 2, lines 54-55). Even though Emery does not explicitly disclose the dissolution rate, microporous capacity, capability of releasing a bubble and a localized structure as those recited, it would be inherent in the composition of Emery to have the characteristics as those recited because same composition having the same two granular components have been utilized. Hence, Emery anticipates the claims.

9. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emery as applied to the above claims.

Emery teaches the features as described above. In addition, Emery teaches organic builders that may additionally be present in the builder granules like polycarboxylate polymers

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such as polyacrylates and acrylic/maleic copolymers (see col. 7, lines 23-37; Component B3 in the Table under col. 9). Emery, however, fails to specifically disclose builder granules wherein one of the two or more water-soluble substances include water-soluble polymers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate polycarboxylate polymers in the builder granules because this is one of the builders that may additionally be present in the builder granules as taught by Emery.

10. The declaration under 37 CFR 1.132 filed August 4, 2003 is insufficient to overcome the rejection based upon Atkinson or Emery because it is not commensurate in scope with the claims. The showing is **limited to** very **specific** water-soluble components and not to the **generic** water-soluble substances as presently recited.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

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1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. The references are considered cumulative to or less material than those discussed above.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

October 16, 2003

Lorna M. Douyon
Lorna M. Douyon
Primary Examiner
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